

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
IN RE VEECO INSTRUMENTS INC. :  
SECURITIES LITIGATION : 05 MD 1695 (CM)(GAY)  
:  
----- X  
THIS DOCUMENT RELATES TO:  
ALL ACTIONS :  
:  
----- X

**DECLARATION OF J. ROSS WALLIN IN SUPPORT OF DEFENDANTS'  
MOTION IN LIMINE TO PRECLUDE TESTIMONY OF ROBERT W. BERLINER**

**(FILED UNDER SEAL PURSUANT TO CONFIDENTIALITY  
ORDER DATED MAY 16, 2006)**

GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, New York 10166-0193  
Phone: (212) 351-4000  
Fax: (212) 351-4035

*Attorneys for Defendants Veeco Instruments Inc.,  
Edward H. Braun, John F. Rein, Jr. and John P.  
Kiernan*

June 22, 2007

J. ROSS WALLIN declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a lawyer with the law firm of Gibson, Dunn & Crutcher LLP, counsel to Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr., and John P. Kiernan in this action.
2. Attached hereto as Exhibits are true and correct copies of the following:

<u>Exhibit No.</u>	<u>Description</u>
A	Preliminary Expert Report of Robert W. Berliner, dated April 11, 2007.
B	Supplemental Expert Report of Robert W. Berliner H. Braun, dated June 12, 2007.
C	Excerpts from deposition transcript of Robert W. Berliner, dated June 19, 2007.

Executed on June 22, 2007



---

J. Ross Wallin